

United States District Court for the Northern District of Mississippi

INSTRUCTIONS AND INFORMATION FOR COUNSEL APPOINTED UNDER THE CRIMINAL JUSTICE ACT [18 USC § 3006A]

1. At the time you were appointed by this court to represent your client, you were given a CJA Form 20, *Appointment of and Authority to Pay Court Appointed Counsel*. That form and your documentation supporting your time and expenses constitute your voucher for payment for professional services and reimbursement for expenses.

Within the first 45 days following the termination of your representation, complete your voucher and time-and-expense worksheets and mail them to:

**Clerk, U.S. District Court
Post Office Box 727
Oxford, Mississippi 38655-0727**

The Clerk of Court will audit your voucher to ensure that your claims are allowable under the Criminal Justice Act [CJA] and the *Guidelines for the Administration of the Criminal Justice Act* [Guidelines], adopted by the Judicial Conference of the United States. The Clerk will reduce claims that exceed the limits and will strike claims that are not allowable under the Act or the Guidelines. Your claim will be reviewed for reasonableness and compliance with the CJA and the Guidelines by the United States District Judge or Magistrate Judge who presided over your case.

2. Detailed instructions for completing the CJA Form 20 appear on the reverse of that form. Your attention is especially invited to the instructions for Items 16 A–D, governing entries for Social Security or Employer Identification numbers.

3. **Compensation Rates.** You may bill for professional time at up to the following limits:

\$65 per hour for In-Court time

\$45 per hour for Out-of-Court time

The Criminal Justice Act requires you to **report and claim professional time in tenths-of-hours**, rather than quarter-hour or hundredths-of-hour, increments.

4. **Compensation Limits.** You are limited to the following maximum charges for combined in-court and out-of-court professional services (exclusive of expenses):

\$3500 Felony Trials

\$1800 Felony Guilty-Plea Cases

\$1000 Misdemeanors (including petty offenses)

\$2500 Appeals

\$ 750 Other Proceedings required or authorized by the Criminal Justice Act (including parole and probation revocation proceedings, pre-trial diversion proceedings; supervised release violation hearings; material witness in custody proceedings; mental condition hearings; and civil or criminal contempt proceedings).

If you seek payments exceeding these limits, you must submit with CJA Form 20 a detailed memorandum or motion supporting and justifying a claim that your representation was in an extended or unusually complex case and that the excess payment is necessary to provide reasonable compensation.

5. Reimbursable Expenses.

Mileage. You may claim mileage on the CJA Form 20 at the rate of 32½¢ per mile. Mileage claims must be itemized by date, beginning point, destination, purpose, and number of miles. The Clerk's Office staff will disallow unitemized mileage claims.

Lodging. You may claim reimbursement for overnight lodging and meals, when such is reasonably required. Copies of hotel bills must be attached to your time-and-expense documentation filed with the CJA Form 20.

Telephone tolls. Charges for necessary long-distance telephone calls are reimbursable. Claims must be itemized by date, the person called, and the charges.

Photocopying. Expenses for **photocopying—but not printing expenses**—are reimbursable. Claims must be itemized by date, number of copies, charge per page, and total. Unitemized photocopying claims will be disallowed. Claims for commercial **photocopying** will be paid, if properly itemized; a receipt is required for commercial charges in excess of 25¢ per copy.

6. Claims not allowed.

- Fees and expenses, including travel, of fact witnesses (these are paid by the Department of Justice)
- Expenses for service of subpoenas (these are paid by the Department of Justice)
- Gasoline and oil expenses
- Your and your client's personal expenses, e.g. haircuts, laundry expenses, clothes
- Time spent picking up your client for trial
- Costs of **printing** briefs. **Photocopying** expenses *are allowed*
- Mail charges other than first-class postage. Costs of Express Mail, Federal Express, UPS, private courier, and the like are not allowed
- Charges for fax communications
- General office overhead
- Time spent preparing CJA Form 20

7. Review claims and vouchers before submitting for payment. Most errors on the CJA Form 20 arise from inattention to detail and from claims for nonallowable items. You are responsible for the accuracy of your claims. Please examine carefully all itemizations, extensions, and footings to ensure they are complete and accurate.

8. Social Security Number and Employer Identification Numbers. Ensure that your social security number or employer identification number is entered in block 16B or 16C, as appropriate.

9. Public disclosure of amounts paid to appointed counsel. In cases filed on or after January 25, 1998, the amounts paid to appointed counsel are required to be made available to the public, subject to considerations of special interests, such as a defendant's right to effective assistance of counsel, the safety of witnesses, the right against self-incrimination, and others. Your attention is invited to the amendments to 18 USCA § 3006A(d)(4) implemented by the *Judiciary Appropriations Act of 1998*. A copy of the pertinent provisions of the Act are appended to these instructions.

10. Call for assistance. If you have questions about your claim which are not answered by these instructions or those on the reverse of the CJA Form 20, please call the Clerk of Court, in Oxford, at (601) 234-1971.

**NOTICE TO COURT APPOINTED COUNSEL OF
PUBLIC DISCLOSURE OF ATTORNEY FEE INFORMATION**

NEW RULES APPLICABLE TO CASES COMMENCED ON OR AFTER JANUARY 25, 1998

The Criminal Justice Act [CJA], 18 USC § 3006A, now requires that the amounts paid to court-appointed attorneys be made publicly available upon the court's approval of the payments. The court may disclose an unredacted copy of a payment voucher submitted by defense counsel, or it may release a redacted copy of a voucher, indicating only the amounts approved for payment according to categories of services listed in the statute. The text of the new statute, 18 USC § 3006A(d)(4), appears on the reverse of this notice. The extent of disclosure depends on whether the case is pending and on whether the court determines that certain interests (enumerated in subpart (d)(4)(D) of the CJA and listed below in part B.1) require the redaction of detailed information on the voucher. Upon court approval of a voucher claim, payment information will be released as follows:

A. BEFORE OR DURING THE TRIAL. *After redacting any detailed information provided to justify the expenses*, the court will make available to the public *only the amounts approved for payment*, divided into the categories set forth in subpart (d)(4)(B)(iii) of the CJA. Upon the completion of trial, unredacted copies of the vouchers may be released, depending on whether an appeal has been noted and whether the court determines that one or more of the interests listed in part B.1 require the redaction of information.

B. AFTER THE TRIAL IS COMPLETED. *The court shall release either redacted or unredacted vouchers* as follows:

1. **If trial court proceedings have been completed and appellate review is not being pursued or has concluded at the time payment is approved:** The court will make an unredacted copy of the payment voucher available to the public *unless* it determines that one or more of the interests listed below justify limiting disclosure to the amounts approved for pay-

ment in the manner described in part A. The interests that may require limiting disclosure include:

- (1) the protection of any person's 5th Amendment right against self-incrimination;
- (2) the protection of the defendant's 6th Amendment rights to effective assistance of counsel;
- (3) the defendant's attorney-client privilege;
- (4) the work product privilege of the defendant's counsel;
- (5) the safety of any person; and,
- (6) any other interest that justice may require.

2. **If appellate review is being pursued at the time payment is approved:** The court will release only the amounts approved for payment in the manner described in part A *unless* it finds that *none* of the interests listed above in part B.1 will be compromised.

If counsel believes that any of the interests listed above in part B.1 justify limiting disclosure to the amounts approved for payment, counsel should submit to the court a written request, identifying the interests at risk and the arguments in support of providing protection, AT OR BEFORE THE TIME A CLAIM FOR PAYMENT IS MADE. Failure to do so could result in the public release of unredacted copies of your vouchers without further notice.

This constitutes notice as required under 18 USC § 3006A(d)(4)(E). You may *not* receive additional notice before any payment information is made available to the public.

|
|

Provisions of Judiciary Appropriation Act of 1998 (Public Law 105-119,
November 26, 1997)
Amending the Criminal Justice Act

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) DISCLOSURE OF FEES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

“(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

“(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

“(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

“(I) Arraignment and or plea.

“(II) Bail and detention hearings.

“(III) Motions.

“(IV) Hearings.

“(V) Interviews and conferences.

“(VI) Obtaining and reviewing records.

“(VII) Legal research and brief writing.

“(VIII) Travel time.

“(IX) Investigative work.

“(X) Experts.

“(XI) Trial and appeals.

“(XII) Other.

“(C) TRIAL COMPLETED.—

“(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

“(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

“(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

“(i) to protect any person's 5th amendment right against self-incrimination;

“(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

“(iii) the defendant's attorney-client privilege;

“(iv) the work product privilege of the defendant's counsel;

“(v) the safety of any person; and

“(vi) any other interest that justice may require.

“(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

“(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date [November 26, 1997], and shall be in effect for no longer than 24 months after the effective date.”